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By: **Delegate Morhaim**

Introduced and read first time: February 5, 2004

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Procurement Law - Applicability**

3 FOR the purpose of making certain units of State government subject to certain  
4 requirements of the procurement law; and generally relating to the applicability  
5 of the procurement law to units of State government.

6 BY repealing and reenacting, without amendments,  
7 Article - Financial Institutions  
8 Section 13-1004(a)  
9 Annotated Code of Maryland  
10 (2003 Replacement Volume)

11 BY repealing and reenacting, with amendments,  
12 Article - Financial Institutions  
13 Section 13-1027  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume)

16 BY repealing and reenacting, without amendments,  
17 Article - Natural Resources  
18 Section 3-103(a)  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Natural Resources  
23 Section 3-103(g)  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume and 2003 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - State Finance and Procurement

1 Section 11-203(a)(1)  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Financial Institutions**

7 13-1004.

8 (a) There is a body corporate and politic known as the Canal Place  
9 Preservation and Development Authority.

10 13-1027.

11 The Authority is exempt:

12 (1) From the payment of taxes or assessments of any kind; AND

13 (2) [Except as provided in Title 14, Subtitle 3 of the State Finance and  
14 Procurement Article, from the provisions of Division II of the State Finance and  
15 Procurement Article; and

16 (3)] From the provisions of Division I of the State Personnel and Pensions  
17 Article that govern the State Personnel Management System.

18 **Article - Natural Resources**

19 3-103.

20 (a) There is a body politic and corporate known as the "Maryland  
21 Environmental Service". The Service is an instrumentality of the State and a public  
22 corporation by that name, style, and title, and the exercise by the Service of the  
23 powers conferred by this subtitle is the performance of an essential governmental  
24 function of the State.

25 (g) [(1)] The Service is exempt from the provisions of Part III of Subtitle 3 and  
26 Subtitles 4, 5, 6, and 7 of Title 4 of the State Finance and Procurement Article.

27 [(2)] The Service is exempt from the provisions of Division II of the State  
28 Finance and Procurement Article, but is not exempt from Subtitle 3 of Title 14, Title  
29 16, and Title 17 of the State Finance and Procurement Article.

30 (3) All purchases by the Service, including but not limited to contracts  
31 and orders for materials, services, and supplies performed or furnished in connection  
32 with the construction of any project owned or controlled by the Service, shall be  
33 awarded in accordance with rules and regulations adopted pursuant to the  
34 Administrative Procedure Act, which rules and regulations shall provide, with respect  
35 to contracts and orders involving the expenditure of more than \$10,000 for award

1 after either competitive bidding or public design competition, and which rules and  
2 regulations need not be approved by any other board, agency, or department of the  
3 State. The Service's rules and regulations providing for competitive bidding or public  
4 design competition may include competitive sealed bidding, competitive negotiations,  
5 and revised bids after competitive sealed bidding where all bids are rejected as  
6 methods of source selection and contract formation.]

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### Article - State Finance and Procurement

8 11-203.

9 (a) Except as provided in subsection (b) of this section, this Division II does  
10 not apply to:

11 (1) procurement by:

12 (i) [the Blind Industries and Services of Maryland;

13 (ii) the Maryland State Arts Council, for the support of the arts;

14 (iii) the Maryland Health and Higher Educational Facilities  
15 Authority, if no State money is to be spent on a procurement contract;

16 (iv) the Maryland Higher Education Supplemental Loan Authority,  
17 if no State money is to be spent on a procurement contract;

18 (v) the Maryland Industrial Training Program or the Partnership  
19 for Workforce Quality Program in the Department of Business and Economic  
20 Development, for training services or programs for new or expanding businesses or  
21 industries or businesses or industries in transition;

22 (vi) the Maryland Food Center Authority, to the extent the  
23 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;

24 (vii) the Maryland Public Broadcasting Commission, for services of  
25 artists for educational and cultural television productions;

26 [(viii)] (II) public institutions of higher education, for cultural,  
27 entertainment, and intercollegiate athletic procurement contracts;

28 [(ix) the Maryland State Planning Council on Developmental  
29 Disabilities, for services to support demonstration, pilot, and training programs;

30 (x) the Maryland Automobile Insurance Fund;

31 (xi) the Maryland Historical Trust for:

32 1. surveying and evaluating architecturally, archeologically,  
33 historically, or culturally significant properties; and



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2004.